



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

DOCKET FILE COPY ORIGINAL

September 15, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

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SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Reallocation of Television Channels 60-69, the 746-806 MHz Band (ET Dkt. No. 97-157)

Dear Mr. Caton:

Enclosed you will find an original and nine copies of the comments of the National Telecommunications and Information Administration in the above-referenced proceeding. Please direct any questions you may have regarding this filing to the undersigned.

Thank you for your cooperation.

Respectfully submitted,

Kathy D. Smith  
Deputy Chief Counsel  
National Telecommunications and  
Information Administration

Enclosures

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Reallocation of Television Channels  
60-69, the 746-806 MHz Band

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) ET Docket No. 97-157  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COMMENTS OF THE NATIONAL TELECOMMUNICATIONS  
AND INFORMATION ADMINISTRATION**

The National Telecommunications and Information Administration (NTIA), an Executive Branch agency within the Department of Commerce, is the President's principal adviser on domestic and international telecommunications policy, including policies relating to the Nation's economic and technological advancement in telecommunications. Accordingly, NTIA makes recommendations regarding telecommunications policies and presents Executive Branch views on telecommunications matters to the Congress, the Federal Communications Commission, and the public. NTIA, through the Office of Spectrum Management, is also responsible for managing the Federal Government's use of the radio spectrum. NTIA respectfully submits the following Comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>1</sup>

**I. Introduction**

In the past several years, the Federal, State, and local public safety communities have directed significant attention towards identifying the communications needs of these agencies, including the need for additional spectrum for growth of existing voice systems, the need for

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<sup>1</sup> *Reallocation of Television Channels 60-69, the 746-806 MHz Band*, Notice of Proposed Rulemaking, ET Docket No. 97-157, FCC 97-245 (rel. July 10, 1997) (hereinafter "Notice").

additional spectrum to accommodate emerging technology for high-speed data and imaging systems, and the ever-present need for better interoperability among public safety agencies at all levels of government. The growing need for spectrum and regulatory support prompted NTIA and the Commission to charter the Public Safety Wireless Advisory Committee (PSWAC), whose charge was to examine the state of public safety communications and recommend solutions to meet the needs of the public safety community. The PSWAC Final Report,<sup>2</sup> the first comprehensive look at public safety communications in many years, outlined the collective requirements of Federal, State, and local public safety agencies in five functional areas: operational requirements, technology, interoperability, spectrum requirements, and transition/funding issues. The report determined that approximately 25 megahertz of new public safety allocations would be needed in the short term to satisfy public safety requirements and recommended that present spectrum shortages be met from television channels 60 to 69.<sup>3</sup>

NTIA strongly supports the recommendations of the PSWAC Final Report regarding the reallocation of spectrum within television channels 60 to 69 to meet the short-term needs of the public safety community. After the release of the PSWAC Final Report, NTIA began work immediately to analyze the recommendations and implement valid requirements. NTIA reiterated its support in particular for the reallocation of spectrum in television channels 60 to 69 in a letter to the Commission Chairman Reed Hundt in the Advanced Television Systems

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<sup>2</sup> *Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission, Reed E. Hundt, Chairman, and the National Telecommunications and Information Administration, Larry Irving, Assistant Secretary of Commerce for Communications and Information* (hereinafter "PSWAC Final Report") (September 1996).

<sup>3</sup> See PSWAC Final Report at 3.

proceeding.<sup>4</sup> NTIA also formed a public safety program to address and support the Federal public safety community and their goals for a interoperable, nationwide public safety communications system.

Other Executive Branch agencies have also supported the view that new spectrum is urgently needed to relieve the severe congestion currently being experienced by the public safety community and that the most effective use of a portion of television channels 60 to 69 is to make it available to public safety agencies. The Federal Law Enforcement Wireless Users Group (FLEWUG), the primary Federal public safety communications users' group, filed comments in the Advanced Television proceeding endorsing this idea.<sup>5</sup> On behalf of the Administration, Attorney General Janet Reno announced that the President would seek the reallocation of 24 megahertz from television channels 60 to 69 for exclusive public safety use as part of the Administration's five-year balanced budget proposal.<sup>6</sup>

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<sup>4</sup> See Letter from Larry Irving, Assistant Secretary of Commerce for Communications and Information to Commission Chairman Reed Hundt (Feb. 21, 1997) in *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Further Notice of Proposed Rule Making, MM Dkt. No. 87-268, 11 FCC Rcd. 10968 (rel. Aug 14, 1996), at 3-5.

<sup>5</sup> See FLEWUG Comments in *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Dkt. No. 87-268, Sixth Further Notice of Proposed Rule Making, 11 FCC Rcd. 10968 (rel. Aug. 14, 1996), at 3.

<sup>6</sup> See Statement by Attorney General Janet Reno on Proposal to Set Aside Communications Frequencies for Public Safety Use, U.S. Department of Justice (Feb. 6, 1997). NTIA notes that the recently enacted Balanced Budget Act of 1997 directs the Commission to allocate 24 megahertz of spectrum between 746 MHz and 806 MHz (Television Channels 60 to 69) no later than January 1, 1998, in consultation with the Secretary of Commerce and the Attorney General. See Section 3004 of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997) (adding a new section to the United States Code at 47 U.S.C. § 337). NTIA's comments in the current proceeding are not intended to supplant, in any way, the consultative process required by the new law.

NTIA is committed to ensuring the availability of spectrum to the public safety community at ALL levels of government. NTIA, however, offers the following comments to specific issues raised in this Notice that NTIA believes will likely have a direct and significant impact upon the future needs and operations of the Federal public safety community.

II. The Federal Public Safety Community Should Also Have Access to Newly Allocated Public Safety Spectrum.

While NTIA commends the Commission's swift action to allocate 24 megahertz within television channels 60 to 69 to the public safety community, NTIA is concerned that the Notice fails to propose access to this spectrum to Federal agencies with public safety missions so that they may meet interoperability requirements with their State and local counterparts.

Interoperability among all public safety agencies -- Federal, State and local -- is a core objective of the PSWAC Final Report recommendations. The PSWAC Final Report states that present limitations for interoperability can be eased by establishing bands of frequencies for interoperability purposes and encouraging the development and use of shared systems.<sup>7</sup>

NTIA believes that it is imperative that Federal agencies have access to this spectrum to encourage implementation of shared and joint-use systems, development of common data and imaging systems, and ensure the highest degree of interoperability and spectrum efficiency. This belief is supported by the PSWAC Final Report in which the Interoperability Subcommittee of the PSWAC, and ultimately the Steering Committee, adopted a definition of "public safety" which extends to all applicable functions of the government, including the Federal level.<sup>8</sup>

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<sup>7</sup> See PSWAC Final Report at 3.

<sup>8</sup> According to the PSWAC Final Report, public safety is defined as "[t]he public's right, exercised through Federal, State or Local government as prescribed by law, to protect and preserve life, property, and natural resources and to serve the public welfare." PSWAC Final Report at 45 (emphasis added).

The Commission clearly recognizes the importance of interoperability within the public safety community. In the Notice, the Commission states that the allocation of more spectrum for public safety will allow better communications interoperability between different jurisdictions, e.g., Federal, state and local agencies.<sup>9</sup> NTIA urges the Commission to take this opportunity to allocate frequencies to enhance interoperability among all levels of public safety users, including Federal agencies. At present, the Federal public safety community does not have any frequency bands allocated for use in the 800 MHz band, where many State and local public safety systems now operate. Migration to 800 MHz by State and local public safety agencies continues. Unless the Commission ensures in this proceeding that the Federal agencies are not foreclosed from access to the newly allocated 24 megahertz, the goal of interoperability within the public safety community cannot be achieved in a meaningful way.

This concern is particularly true as the public safety community moves toward new technologies for data and video communications. The Commission recognizes that an allocation of more spectrum will facilitate public safety agencies' access to new technologies for data and video communications.<sup>10</sup> Like the State and local public safety communities, Federal public safety agencies will also rely on data and video communications, such as the transfer of fingerprints, mug shots, or even slow/full motion video.

### III. Conclusion

NTIA applauds the Commission for taking the first steps necessary to satisfy existing shortfalls in public safety spectrum and strongly suggests that, in the reallocation of portions of television channels 60 to 69 for public safety, the need for interoperability and joint-use

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<sup>9</sup> See Notice at ¶ 4.

<sup>10</sup> *Id.*; see also PSWAC Final Report at 61.

communications among Federal, State and local public safety uses be duly considered. By doing so, all levels of public safety will be able to better protect the life and property of the American people. Furthermore, NTIA looks forward to working in consultation with the Commission and the Attorney General to improve interoperability between the Federal, State, and local public safety agencies and encouraging and exploring more shared and joint-use systems.

For the foregoing reasons, NTIA respectfully submits these comments.

Respectfully submitted,

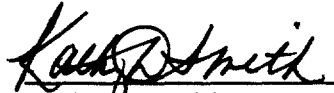
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